

plant site is subject to routine inspection by the Organization for the Prohibition of Chemical Weapons (see part 716 of the CWC) if it produced by synthesis more than 200 metric tons aggregate of UDOCs during the previous calendar year.

#### § 715.2 Amended declaration.

In order for BIS to maintain accurate information on previously submitted plant site declarations, including current information necessary to facilitate inspection notifications and activities or to communicate declaration requirements, amended declarations will be required under the following circumstances described in this section. This section applies only to annual declarations on past activities submitted for the previous calendar year, unless specified otherwise in a final inspection report.

(a) *Changes to information that directly affects a declared plant site's Annual Declaration of Past Activities (ADPA) which was previously submitted to BIS.* You must submit an amended declaration to BIS within 15 days of any change in the following information:

- (1) Product group codes for UDOCs produced in quantities exceeding the applicable declaration threshold specified in § 715.1(a)(1) of the CWC;
- (2) Approximate number of plants at the declared plant site that produced any amount of UDOCs (including all PSF chemicals);
- (3) Aggregate amount of production (by production range) of UDOCs produced by all plants at the declared plant site;
- (4) Exact number of plants at the declared plant site that individually produced more than 30 metric tons of a single PSF chemical; and
- (5) Production range of each plant at the declared plant site that individually produced more than 30 metric tons of a single PSF chemical.

(b) *Changes to company and plant site information submitted in the ADPA that must be maintained by BIS.*—(1) *Internal company changes.* You must submit an amended declaration to BIS within 30 days of any change in the following information:

- (i) Name of declaration point of contact (D-POC), including telephone

number, facsimile number, and e-mail address;

- (ii) Name(s) of inspection point(s) of contact (I-POC), including telephone number, facsimile number(s) and e-mail address(es);

(iii) Company name (see 715.2(b)(2) for other company changes);

(iv) Company mailing address;

(v) Plant site name;

(vi) Plant site owner, including telephone number and facsimile number; and

(vii) Plant site operator, including telephone number and facsimile number.

(2) *Change in ownership of company or plant site.* If you sold or purchased a declared plant site, you must submit an amended declaration to BIS, either before the effective date of the change or within 30 days after the effective date of the change. The amended declaration must include the following information.

(i) Information that must be submitted to BIS by the company selling a declared plant site:

(A) Name of seller (i.e., name of company selling a declared plant site);

(B) Name of declared plant site name and U.S. Code Number for that plant site;

(C) Name of purchaser (i.e., name of new company purchasing a declared plant site) and identity of contact person for the purchaser, if known;

(D) Date of ownership transfer or change;

(E) Additional details on the sale of the declared plant site relevant to ownership or operational control over any portion of the declared plant site (e.g., whether the entire plant site or only a portion of the declared plant site has been sold to a new owner); and

(F) Details regarding whether the new owner will submit the declaration for the entire calendar year during which the ownership change occurred, or whether the previous owner and new owner will submit separate declarations for the periods of the calendar year during which each owned the plant site.

(I) If the new owner is responsible for submitting the declaration for the entire current year, it must have in its possession the records for the period of

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the year during which the previous owner owned the plant site.

(2) If the previous owner and new owner will submit separate declarations for the periods of the calendar year during which each owned the plant site, and, if at the time of transfer of ownership, the previous owner's activities are not above the declaration thresholds set forth in §715.1(a)(1) of the CWCR, the previous owner and the new owner must still submit declarations to BIS with the below threshold quantities indicated.

(3) If the part-year declarations submitted by the previous owner and the new owner are not, when combined, above the declaration threshold set forth in §715.1(a)(1) of the CWCR, BIS will return the declarations without action as set forth in §715.3 of the CWCR.

(ii) Information that must be submitted to BIS by the company purchasing a declared plant site:

(A) Name of purchaser (i.e., name of individual or company purchasing a declared plant site);

(B) Mailing address of purchaser;

(C) Name of declaration point of contact (D-POC) for the purchaser, including telephone number, facsimile number, and e-mail address;

(D) Name(s) of inspection point(s) of contact (I-POC) for the purchaser, including telephone number(s), facsimile number(s), and e-mail address(es);

(E) Name of the declared plant site and U.S. Code Number for that plant site;

(F) Location of the declared plant site;

(G) Name of plant site where the production of UDOCs exceeds the applicable declaration threshold;

(H) Owner of plant site where the production of UDOCs exceeds the applicable declaration threshold, including telephone number and facsimile number;

(I) Operator of plant site where the production of UDOCs exceeds the applicable declaration threshold, including telephone number and facsimile number; and

(J) Details on the next declaration or report submission on whether the new owner will submit the declaration or report for the entire calendar year dur-

ing which the ownership change occurred, or whether the previous owner and new owner will submit separate declarations or report for the periods of the calendar year during which each owned the plant site.

NOTE 1 TO §715.2(b): You must submit an amendment to your most recently submitted declaration or report for declaring changes to internal company information (e.g., company name change) or changes in ownership of a facility or trading company that have occurred since the submission of this declaration or report. BIS will process the amendment to ensure current information is on file regarding the facility or trading company (e.g., for inspection notifications and correspondence) and will also forward the amended declaration to the OPCW to ensure that they also have current information on file regarding your facility or trading company.

NOTE 2 TO §715.2(b): You may notify BIS of change in ownership via a letter to the address given in §711.6 of the CWCR. If you are submitting an amended declaration, use Form B to address details regarding the sale of the declared plant site.

NOTE 3 TO §715.2(b): For ownership changes, the declared plant site will maintain its original U.S. Code Number, unless the plant site is sold to multiple owners, at which time BIS will assign new U.S. Code Numbers.

(c) *Inspection-related amendments.* If, following completion of an inspection (see part 716 or 717 of the CWCR), you are required to submit an amended declaration based on the final inspection report, BIS will notify you in writing of the information that will be required pursuant to §§716.10 and 717.5 of the CWCR. You must submit an amended declaration to BIS no later than 45 days following your receipt of BIS's post-inspection letter.

(d) *Non-substantive changes.* If, subsequent to the submission of your declaration to BIS, you discover one or more non-substantive typographical errors in your declaration, you are not required to submit an amended declaration to BIS. Instead, you may correct these errors in a subsequent declaration.

(e) *Documentation required for amended declarations.* If you are required to submit an amended declaration to BIS pursuant to paragraph (a), (b), or (c) of this section, you must submit either:

(1) A letter containing all of the corrected information required, in accordance with the provisions of this section, to amend your declaration; or

(2) Both of the following:

- (i) A new Certification Form; and
- (ii) The specific form required for the declaration containing the corrected information required, in accordance with the requirements of this section, to amend your declaration.

### **§ 715.3 Declarations returned without action by BIS.**

If you submit a declaration and BIS determines that the information contained therein is not required by the CWCR, BIS will return the original declaration to you, without action, accompanied by a letter explaining BIS's decision. In order to protect your confidential business information, BIS will not maintain a copy of any declaration that is returned without action. However, BIS will maintain a copy of the RWA letter.

### **§ 715.4 Deadlines for submitting UDOC declarations, no changes authorization forms, and amendments.**

Declarations, no changes authorization forms, and amendments required under this part must be postmarked by the appropriate dates identified in Supplement No. 3 to this part 715 of the CWCR. Required documents under this part include:

- (a) *Annual Declaration on Past Activities* (UDOC production during the previous calendar year);
- (b) *No Changes Authorization Form* (may be completed and submitted to BIS when there are no changes to any information in your plant site's previously submitted annual declaration on past activities, except the certifying official and the dates signed and submitted); and
- (c) Amended declaration.

### **SUPPLEMENT NO. 1 TO PART 715—DEFINITION OF AN UNSCHEDULED DISCRETE ORGANIC CHEMICAL**

Unscheduled discrete organic chemical means any chemical: (1) Belonging to the class of chemical compounds consisting of all compounds of carbon except for its oxides, sulfides and metal carbonates identifiable by chemical name, by structural formula, if known, and by Chemical Abstract

Service registry number, if assigned; and (2) that is not contained in the Schedules of Chemicals (see Supplements No. 1 to parts 712 through 714 of the CWCR). Unscheduled discrete organic chemicals subject to declaration under this part are those produced by synthesis that are isolated for use or sale as a specific end-product.

NOTE: Carbon oxides consist of chemical compounds that contain only the elements carbon and oxygen and have the chemical formula  $C_xO_y$ , where x and y denote integers. The two most common carbon oxides are carbon monoxide (CO) and carbon dioxide ( $CO_2$ ). Carbon sulfides consist of chemical compounds that contain only the elements carbon and sulfur, and have the chemical formula  $C_aS_b$ , where a and b denote integers. The most common carbon sulfide is carbon disulfide ( $CS_2$ ). Metal carbonates consist of chemical compounds that contain a metal (i.e., the Group I Alkalies, Groups II Alkaline Earths, the Transition Metals, or the elements aluminum, gallium, indium, thallium, tin, lead, bismuth or polonium), and the elements carbon and oxygen. Metal carbonates have the chemical formula  $M_d(CO_3)_e$ , where d and e denote integers and M represents a metal. Common metal carbonates are sodium carbonate ( $Na_2CO_3$ ) and calcium carbonate ( $CaCO_3$ ). In addition, metal carbides or other compounds consisting of only a metal, as described in this Note, and carbon (e.g., calcium carbide ( $CaC_2$ )), are exempt from declaration requirements (see § 715.1(a)(2)(ii)(D) of the CWCR).

### **SUPPLEMENT NO. 2 TO PART 715—EXAMPLES OF UNSCHEDULED DISCRETE ORGANIC CHEMICALS (UDOCs) AND UDOC PRODUCTION**

(1) Examples of UDOCs not subject to declaration include:

- (i) UDOCs produced coincidentally as by-products that are not isolated for use or sale as a specific end product, and are routed to, or escape from, the waste stream of a stack, incinerator, or waste treatment system or any other waste stream;
- (ii) UDOCs, contained in mixtures, which are produced coincidentally and not isolated for use or sale as a specific end-product;
- (iii) UDOCs produced by recycling (i.e., involving one of the processes listed in paragraph (3) of this supplement) of previously declared UDOCs;
- (iv) UDOCs produced by the mixing (i.e., the process of combining or blending into one mass) of previously declared UDOCs; and
- (v) UDOCs that are intermediates and that are used in a single or multi-step process to produce another declared UDOC.

(2) Examples of UDOCs that you must declare under part 715 of the CWCR include, but are not limited to, the following, unless